

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 22, 2004

DIVISION ONE

B167556 Jones (Not for Publication)
v.
Ameriquest Mortgage Company et al.

The judgments are affirmed. Fremont and Ameriquest are awarded their costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Mallano, J.
Suzukawa, J. (Assigned)

B168873 Huerta, et al. (Not for Publication)
v.
Flick, et al.

The judgment on the pleadings and the post-judgment order for attorney's are reversed, and the cause is remanded to the trial court with directions to place the case back on track for trial. The cross-appeal is dismissed as moot. Huerta is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B175609 Gaggero (Not for Publication)

v.

Superior Court, Los Angeles County
(First Federal Bank of California, r.p.i.)

The petition is granted and a peremptory writ shall issue commanding the trial court to reassign these costs to Judge Recana. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B172387 People (Certified for Publication)

v.

Toscano

The judgment is conditionally reversed and the cause is remanded to the trial court with directions to hear and determine the constitutional issue raised in Toscano's motion to strike; if the motion is granted, Toscano shall be resentenced in accordance with his plea agreement; if the motion is denied, the judgment shall be reinstated and deemed final; in all other respects, the judgment is affirmed.

Vogel (Miriam A.), Acting P.J.

We concur: Mallano, J.
 Suzukawa, J. (Assigned)

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B172379 People v. Twine
B169352 People v. Izaguirre
B171027 People v. Coffey
B171956 People v. Esquer
B170944 People v. Simon
B172617 People v. Towns
B174550 In re Christopher C.

Argument waived, cause submitted.

B172125 People
 v.
 Smiley

Merits:

Argued by Roberta Schwartz for appellant. Waiver of oral argument by respondent. Cause submitted.

B171046 Halpern
 v.
 505 Investment Company

Merits:

Argued by William Houser for appellant and by Kriss Halpern for respondent. Cause submitted.

B163363 Allison
 v.
 Danilovic

Merits:

Argued by David Stanton for respondent and by Martin Friedlander for appellant. Cause submitted.

DIVISION TWO (Continued)

B161836 Mandakunian et al.
 v.
 Zoller et al.

Merits:
Argued by Joshua Haffner for appellants and by Gregory Houle for respondents. Cause submitted.

B168213 AAA 1 RV Center Inc. et al.
 v.
 Nova Information Systems Inc. et al.

Merits:
Argued by Derek Tabone for appellants and by Timonty Burke and Scott Murch for respondents. Cause submitted.

B168881 Feldman
 v.
 Steiner & Libo et al.

Merits:
Argued by Phillip Feldman for appellant and by Michelle Hill for respondents. Cause submitted.

B170830 Gallivan
 v.
 AT&T Corporation et al.

Merits:
Argued by Michael Docherty for appellant and by Harvey Saferstein for respondents. Cause submitted.

DIVISION TWO (Continued)

B174785 Rea
 v.
 Workers Compensation Appeals Board
 Boostan et al., Respondent

Merits:
Argued by Anthony Mischel for petitioner and by Neil Sullivan for
respondent. Cause submitted.

Court in recess

Court reconvened at 12:45 PM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy
Clerk.

B174354 Los Angeles County, D.C.S.
 v.
 Danny D.

Merits:
Argued by Karen Stalter for appellant and by Frank DaVanzo for
respondent. Cause submitted.

B171571 Wells et al.
 v.
 Ciotti et al.

Merits:
Argued by W.G. Wells for appellants and by Shab D. Kerendian for
respondents. Cause submitted.

B170166 Thomas
 v.
 Elder et al.

Merits:
Argued by Jeffrey Kent for appellants and by Stephen Lowe for respondent.
Cause submitted.

DIVISION TWO (Continued)

B172403 Gutkin
 v.
 University of Southern California

Merits:
Argued by E. Lyn Lemaire for appellant and by J. Al Latham for
respondent. Cause submitted.

Court adjourned.

B161549 City of Hope National Medical Center
 v.
 Genentech, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No
change in the judgment)

DIVISION THREE

B161066 Department of Transportation (Not for Publication)
 v.
 Heritage Engineering Construction, Inc.

The judgment is affirmed insofar as it confirms the arbitrator's award of \$168,082 in damages for extended home office overhead costs and interest on that amount, and is reversed in all other respects. The superior court is directed to enter a judgment confirming the award of \$168,082 in damages for extended home office overhead costs and interest on that amount, and vacating the award in all other respects. The superior court is directed to order another arbitration of the matter to be limited to determining the amount of damages recoverable on the April 1995 claims for extended field office overhead costs and direct job site maintenance costs, liability having been established. Caltrans is entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B166664 Patricia Jayne Morales-Navarro (Not for Publication)
 v.
 Calvin Gregory

The judgment is affirmed. Gregory is entitled to recover costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B172517 Riverpark Holdings (Not for Publication)
 v.
 Western Pacific Housing, Inc., et al.

The judgment is affirmed. Plaintiff is awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B171426 People
 v.
 Samuel Mendoza

Filed order denying petition for rehearing.

DIVISION FOUR

B165032 Internal Services Dept., County of Los Angeles (Not for Publication)
v.
Civil Service Commission of the County of Los Angeles,

The judgment is reversed to the extent that it directs the Commission to enter a new order in Case No. 95-210 denying Ivory's request for relief, and the matter is remanded to the Commission to vacate its prior order in Case No. 95-210 and determine the appropriate remedy in that action in accordance with this opinion. The judgment is affirmed in all other respects. Respondent shall recover its costs on appeal.

Curry, J.

We concur: Hastings, Acting P.J.
 Grimes, J. (Assigned)

DIVISION SIX

B169312 People (Not for Publication)
v.
Zavala

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B171173 Eddy
v.
Fields

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX (Continued)

B166937 People (Certified for Publication)
 v.
 Giles

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

B170495 Vom Dorp (Not for Publication)
 v.
 Vom Dorp

The judgment of the superior court is reversed with respect to its characterization and disposition of the real property and the support order, affirmed in all other respects, and remanded for proceedings consistent with this opinion. Each party to bear their own costs.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

DIVISION EIGHT

B167873 People (Not for Publication)
 v.
 Pena

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.

DIVISION EIGHT (Continued)

B170113 People
 v.
 Tabizon

Appellant's petition for rehearing is granted to the extent it raises issues relating to *Blakely v. Washington* (2004) 542 U.S. __; 124 S.Ct. 1531. In all other respects, the petition is denied. Respondent may file a supplemental brief by December 13, 2004. Appellant may file a reply brief by December 28, 2004. The case shall be submitted upon filing of the final brief.